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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,668	12/04/2003	Shigeki Yamada	056207.52990US	5844
23911	7590	06/30/2005	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			TRIEU, THAI BA	
			ART UNIT	PAPER NUMBER
			3748	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No.	Applicant(s)	
	10/726,668	YAMADA ET AL.	
	Examiner	Art Unit	
	Thai-Ba Trieu	3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on April 20, 2005 has been entered.

Claims 8-23 were added.

This application is in condition for allowance except for the following formal matters:

IN THE CLAIMS:

- In claim1, line 3, ***“the”*** before ***“given target”*** should be replaced by -- a -- (for addressing non antecedent basis in claims).
- In claim1, lines 13-14, ***“become”*** after ***“the passage of the intake air pipe”*** should be replaced by -- ***becomes*** -- (for correcting grammatical error).
- In claim 8, line 2, ***“the”*** before ***“PID control is executed”*** should be replaced by -- a --; lines 4-5, ***“the”*** before ***“opening position”*** should be replaced by -- an --; and ***“a stop position in an close direction or a top position in an open direction”*** should be replaced by --***“the stop position in the close direction or the top position in the open direction”***-- (for addressing non antecedent basis in claims).

- In claim 9, line 2, ***“the”*** before ***“PID control is executed”*** should be replaced by -- a --; and lines 6-7, ***“the”*** before ***“opening position”*** should be replaced by -- an --; and ***“a stop position in an close direction or a top position in an open direction”*** should be replaced by --***“the stop position in the close direction or the top position in the open direction”***-- (for addressing non antecedent basis in claims).

- In claim 10, line 2, ***“the”*** before ***“PID control is executed”*** should be replaced by -- a --; lines 4-5, ***“the”*** before ***“opening position”*** should be replaced by -- an --; and ***“a stop position in an close direction or a top position in an open direction”*** should be replaced by --***“the stop position in the close direction or the top position in the open direction”***-- (for addressing non antecedent basis in claims).

- In claim 12, line 7, ***“is made decrease”*** should be replaced by -- ***is made decrease*** -- (the word made should be in one word, for correcting typo error).

- In claim 23, line 5, ***“means of PID control”*** should be replaced by -- a ***PID control*** -- (for addressing lack of antecedent basis in the specification).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Halsall (US Patent Number 5,701,741) discloses a turbocharged internal combustion engine having an electrically drivable actuator motor, such as a DC motor

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or stepped motor for regulating the gate waste valve via a linkage means in response to the delivery pressure of the compressor.

- Sells (US Patent Number 3,963,919) discloses a motion response detector apparatus.
- Figueria, Jr. (US Patent Number 5,698,849) discloses a optical encoder with alignment of source, detector, and modulator.
- McAlister et al. (Pub. Number US 2002/0113201 A1) discloses an optically controlled actuator.
- Barnett et al. (US Patent number 5,708,496) disclose a modular optical shaft encoder having a slide gap centering mechanism and a method of use
- Francisco (US Patent Number 5,331,262) discloses a self-adjusting motor positioning system and method.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai-Ba Trieu whose telephone number is (571) 272-4867. The examiner can normally be reached on Monday - Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (571) 272-4859. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTB
June 23, 2005



Thai-Ba Trieu
Primary Examiner
Art Unit 3748